

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Filemon PEREZ-Amaya,

Defendant

Magistrate Docket No.

'08 MJ 1452


COMPLAINT FOR VIOLATION OF:

**Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States**

The undersigned complainant, being duly sworn, states:

On or about **May 6, 2008** within the Southern District of California, defendant, **Filemon PEREZ-Amaya**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~18th~~ 8th DAY OF ~~MAY~~ MAY, 2008.

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Filemon PEREZ-Amaya

PROBABLE CAUSE STATEMENT

On May 6, 2008 at approximately 5:30 p.m., Border Patrol Agent S. Blea was assigned line watch duties in the Chula Vista Area of Operations. Agent Blea, while using his binoculars, spotted two individuals in an area known as "White Bridge". White Bridge is located approximately two miles east of the Otay Mesa, California Port of Entry and approximately two miles north of the United States/Mexico International Boundary.

Agent Blea responded to the area and discovered two individuals in the brush near the area he spotted the two individuals. Agent Blea identified himself as a Border Patrol Agent and told the two individuals to come out of the brush. Agent Blea questioned both subjects individually as to their citizenship and nationality. Both subjects, including one later identified as the defendant **Filemon PEREZ-Amaya**, responded "Mexico." Agent Blea then questioned both subjects to see if they had any immigration documents that would allow them to remain in the United States legally. Both subjects, including the defendant, responded "No." At approximately 6:18 p.m., Agent Blea placed the two individuals under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 3, 2005** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.